

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

THIRD SET OF INFORMATION REQUESTS OF  
FIBER TECHNOLOGIES NETWORKS, L.L.C.  
TO SHREWSBURY'S ELECTRIC LIGHT PLANT  
D.T.E. 01-70

*January 4, 2002*

Witness Responsible: Thomas R. Josie, General Manager, SELP

FIBERTECH 3-4-S: Refer to page 3, lines 10 through 18 of the Josie Testimony.

(a) Please state what were the "certain terms and conditions" on which SELP might permit fiber systems to attach to its poles, and produce any documents reflecting or referring to such terms and conditions.

(b) Please produce the opinion of SELP's counsel referred to, and state whether such opinion has been furnished to (1) the Town of Shrewsbury or any its employees or agents, (2) any other municipal light department, and (3) any other person not employed by SELP.

(c) If the answer to (b) is affirmative in any respect, please identify each person or entity to which it was furnished and state when and why it was furnished.

SUPPLEMENTAL  
RESPONSE:

(b), (c) SELP objects to the first part of this request on the ground that it calls for the production of documents protected by the attorney-client privilege and the attorney work-product doctrine. SELP objects to the remainder of the request on the grounds that it is irrelevant. Without waiving its objection, SELP responds as follows. Mr. Josie furnished copies of the opinion of counsel for informational purposes to: the SELP Board of Commissioners—Clifford T. Jefferson, Jr., Robert Lutz, Stanley Davis and June Tomiaolo; certain management level SELP employees (Mr. Josie cannot specifically recall at this time which management employees received it); Shrewsbury Town Manager Daniel Morgado; and the Selectmen Chairperson John Labeaux. Mr. Josie did not furnish the opinion to any other municipal light department or any other person not employed by SELP, other than those already named above.

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Witness Responsible: Thomas R. Josie, General Manager, SELP

FIBERTECH 3-9-S: Please refer to page 8, line 6 of the Josie Testimony.

- (a) Please produce any documents reflecting or referring to the advice of counsel referred to.
- (b) Please state whether such advice has been furnished in any form to (1) the Town of Shrewsbury or any of its employees or agents, (2) any other municipal light department, and (3) any other person not employed by SELP.
- (c) If the answer to (b) is affirmative in any respect, please identify each person or entity to which it was furnished and state when and why it was furnished.

SUPPLEMENTAL  
RESPONSE:

- (b), (c) Please refer to SELP's response to Fibertech 3-4-S and the objections contained therein. The only documents reflecting such advice were furnished to the individuals named in response to Fibertech 3-4-S, for the purposes set forth in that response.

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Witness Responsible: Thomas R. Josie, General Manager, SELP

FIBERTECH 3-14-S: Refer to SELP's response to Fibertech 1-5.

- (a) With respect to the use of fiber optic cable by SELP's electric division and SCC, please state (a) the number of fiber miles for each entity, (b) how long such entity has used fiber optic cable and the uses of such fiber optic cable.
- (b) Please state whether this fiber optic cable is used to transmit intelligence.
- (c) Please specify the electronic equipment used to activate these fibers and transmit intelligence, if any.
- (d) Please state whether this fiber optic cable has any uses other than to transmit intelligence.

SUPPLEMENTAL  
RESPONSE:

- (a) As set forth SELP's responses to Fibertech 2-6, SCC has installed 55 miles of fiber in the Town of Shrewsbury. "[T]he number of fiber miles for each entity" has never been calculated and is not readily ascertainable. SELP uses fiber optic cable for data and relay protection. SCC uses fiber optic cable for the provision of CATV services; internet service over its CATV system; as set forth in response to Fibertech 2-6, pursuant to SELP's CATV franchise agreement with the Town of Shrewsbury, for the provision of an "Institutional Network," or "I-Net" for use by the Town as an internal communications network, (over which data and video transmission and telephone services are provided between buildings for municipal/governmental purposes only); alarm and relay circuits for SELP's electric system; and two-way radio repeaters for Town Police and Fire Departments.

FIBERTECH 3-14-S Response (continued)

(b) SELP objects to this question on the grounds that it calls for a legal conclusion by using the phrase “transmits intelligence.”

(c) Please refer to SELP’s response to Fibertech 3-14(b)-S. Without waiving its objection, SELP responds that SELP/SCC uses a number of different devices including laser transmitters and receivers and combination transceivers, as well as some specific application devices for the relaying and radio repeaters. In listing these devices, SELP is not drawing any conclusion as to whether such devices “transmit intelligence.”

(d) Please refer to SELP’s response to Fibertech 3-14(b)-S. Without waiving its objection, SELP responds that all uses of the fiber optic cable are set forth in response to Fibertech 3-14-(a)-S.